

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 237A.12, the Department of Human Services amends Chapter 109, "Child Care Centers," Iowa Administrative Code.

The amendment clarifies when record checks are required for persons who volunteer or substitute for staff at a child care center. The amendment provides that criminal and child abuse record checks are required when the volunteer or substitute:

- Is included in meeting the required child-to-staff ratio,
- Has direct responsibility for a child or children, or
- Has access to a child or children with no other staff present.

The child care center is responsible for the cost of the record checks and must maintain documentation that the checks were completed when required.

This amendment does not provide for waivers in specified situations. Requests for the waiver of any rule may be submitted under the Department's general rule on exceptions at 441—1.8(17A,217).

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on January 12, 2011, as **ARC 9333B**. The Department received no comments on the Notice of Intended Action. This amendment is identical to that published under Notice of Intended Action.

The Council on Human Services adopted this amendment on March 9, 2011.

This amendment is intended to implement Iowa Code section 237A.5.

This amendment shall become effective on June 1, 2011.

The following amendment is adopted.

Amend paragraph **109.6(5)"c"** as follows:

~~c. Undergo the record check process when the person is responsible for child care for a child other than the person's own child or has access to other children when they are alone.~~ any of the following criteria are met:

- (1) The volunteer or substitute is included in meeting the required child-to-staff ratio;
- (2) The volunteer or substitute has direct responsibility for a child or children; or
- (3) The volunteer or substitute has access to a child or children with no other staff present.

~~d. Have on file at the facility a record containing the statements required in paragraphs 109.6(5)"a" and "b" and Records documentation of the any record check process. The record shall be maintained as required in subparagraph paragraph 109.9(1)"b."~~

[Filed 3/9/11, effective 6/1/11]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 4/6/11.